

House File 2557 - Enrolled

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HOUSE FILE 2557

AN ACT
RELATING TO AND MAKING APPROPRIATIONS TO THE JUDICIAL BRANCH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I == APPROPRIATIONS

Section 1. JUDICIAL BRANCH.

1. There is appropriated from the general fund of the state to the judicial branch for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries of supreme court justices, appellate court judges, district court judges, district associate judges, judicial magistrates and staff, state court administrator, clerk of the supreme court, district court administrators, clerks of the district court, juvenile court officers, board of law examiners and board of examiners of shorthand reporters and judicial qualifications commission, receipt and disbursement of child support payments, reimbursement of the auditor of state for expenses incurred in completing audits of the offices of the clerks of the district court during the fiscal year beginning July 1, 2006, and maintenance, equipment, and miscellaneous purposes:

..... \$123,237,410

2. The judicial branch, except for purposes of internal processing, shall use the current state budget system, the state payroll system, and the Iowa finance and accounting system in administration of programs and payments for services, and shall not duplicate the state payroll, accounting, and budgeting systems.

3. The judicial branch shall submit monthly financial statements to the legislative services agency and the department of management containing all appropriated accounts in the same manner as provided in the monthly financial status reports and personal services usage reports of the department of administrative services. The monthly financial statements shall include a comparison of the dollars and percentage spent of budgeted versus actual revenues and expenditures on a cumulative basis for full-time equivalent positions and dollars.

4. The judicial branch shall focus efforts upon the collection of delinquent fines, penalties, court costs, fees, surcharges, or similar amounts.

5. It is the intent of the general assembly that the offices of the clerks of the district court operate in all ninety-nine counties and be accessible to the public as much as is reasonably possible in order to address the relative needs of the citizens of each county.

6. The judicial branch shall study the best practices and efficiencies of each judicial district. In identifying the most efficient judicial districts and the districts using best practices, the judicial branch shall consider the average cost to the judicial branch for processing each classification of criminal offense or civil action and the overall number of cases filed. The judicial branch shall file a report regarding the study made and actions taken pursuant to this subsection with the cochairpersons and ranking members of the joint appropriations subcommittee on the justice system and to the legislative services agency by December 15, 2006.

7. In addition to the requirements for transfers under section 8.39, the judicial branch shall not change the appropriations from the amounts appropriated to the judicial branch in this Act, unless notice of the revisions is given prior to their effective date to the legislative services agency. The notice shall include information on the branch's rationale for making the changes and details concerning the workload and performance measures upon which the changes are based.

8. The judicial branch shall submit a semiannual update to the legislative services agency specifying the amounts of

3 4 fines, surcharges, and court costs collected using the Iowa
3 5 court information system since the last report. The judicial
3 6 branch shall continue to facilitate the sharing of vital
3 7 sentencing and other information with other state departments
3 8 and governmental agencies involved in the criminal justice
3 9 system through the Iowa court information system.

3 10 9. The judicial branch shall provide a report to the
3 11 general assembly by January 1, 2007, concerning the amounts
3 12 received and expended from the enhanced court collections fund
3 13 created in section 602.1304 and the court technology and
3 14 modernization fund created in section 602.8108, subsection 7,
3 15 during the fiscal year beginning July 1, 2005, and ending June
3 16 30, 2006, and the plans for expenditures from each fund during
3 17 the fiscal year beginning July 1, 2006, and ending June 30,
3 18 2007. A copy of the report shall be provided to the
3 19 legislative services agency.

3 20 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
3 21 from the general fund of the state to the judicial retirement
3 22 fund for the fiscal year beginning July 1, 2006, and ending
3 23 June 30, 2007, the following amount, or so much thereof as is
3 24 necessary, to be used for the purpose designated:

3 25 Notwithstanding section 602.9104, for the state's
3 26 contribution to the judicial retirement fund in the amount of
3 27 9.16 percent of the basic salaries of the judges covered under
3 28 chapter 602, article 9:

3 29 \$ 2,039,664

3 30 Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of
3 31 a clerk of the district court shall not occur unless the state
3 32 court administrator approves the appointment.

3 33 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==
3 34 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
3 35 required to be provided by the judicial branch for fiscal year
4 1 2006=2007 to the legislative services agency shall be provided
4 2 in an electronic format. The legislative services agency
4 3 shall post the reports on its internet site and shall notify
4 4 by electronic means all the members of the joint
4 5 appropriations subcommittee on the justice system when a
4 6 report is posted. Upon request, copies of the reports may be
4 7 mailed to members of the joint appropriations subcommittee on
4 8 the justice system.

4 9 DIVISION II == STATUTORY CHANGES

4 10 Sec. 5. NEW SECTION. 602.1614 ACCEPTANCE, DISTRIBUTION,
4 11 AND RETENTION OF ELECTRONIC RECORDS BY THE JUDICIAL BRANCH.

4 12 1. As used in this section, "governmental agencies" means
4 13 an executive, legislative, or judicial agency, department,
4 14 board, commission, authority, institution, or instrumentality
4 15 of the federal government or of a state or of a county,
4 16 municipality, or other political subdivision of a state.

4 17 2. Notwithstanding section 554D.120, the supreme court may
4 18 prescribe by rule whether and to what extent the judicial
4 19 branch will accept, process, distribute, and retain electronic
4 20 records and electronic signatures from litigants, governmental
4 21 agencies, and other persons, and to what extent the judicial
4 22 branch will create, generate, communicate, store, process,
4 23 use, and rely upon electronic records and electronic
4 24 signatures.

4 25 3. If the supreme court prescribes rules relating to
4 26 electronic records and electronic signatures under subsection
4 27 2, the rules may include but are not limited to the following:

4 28 a. Defining terms.

4 29 b. The manner and format in which an electronic record is
4 30 created, generated, sent, communicated, received, filed,
4 31 recorded, and stored.

4 32 c. Establishing the information process system to create,
4 33 generate, send, communicate, receive, file, record, and store
4 34 an electronic record.

4 35 d. How a traditional written signature will relate to an
5 1 electronic signature.

5 2 e. The criteria establishing when an electronic document
5 3 must be electronically signed.

5 4 f. The type of electronic signature required.

5 5 g. The manner and format in which an electronic signature
5 6 is associated with an electronic record.

5 7 h. Who can create an electronic signature.

5 8 i. The criteria and procedures to follow when filing an
5 9 electronic document, including who is allowed to file
5 10 electronically, how notice is given, and electronic service of
5 11 process.

5 12 j. Establishing processes and procedures to ensure
5 13 adequate preservation, integrity, security, disposition, and
5 14 audit worthiness of the electronic records.

5 15 k. Establishing the criteria for the retention of paper
5 16 documents when deemed necessary to promote the integrity of
5 17 electronic records.
5 18 1. Establishing the appropriate level of public access to
5 19 differing classes of electronic records and other court
5 20 records to ensure the confidentiality of any records that are
5 21 required by law to be confidential.

5 22 m. Establishing any other process or procedures
5 23 attributable to creating, generating, communicating, storing,
5 24 processing, and using electronic records and electronic
5 25 signatures, and how these electronic records and electronic
5 26 signatures will relate to nonelectronic court records.

5 27 4. Rules prescribed pursuant to this section shall prevail
5 28 over any other laws or court rules that specify the method,
5 29 manner, or format for sending, receiving, retaining, or
5 30 creating paper records relating to the courts. The supreme
5 31 court may limit the applicability and scope of any rules
5 32 prescribed pursuant to this section to single offices, courts,
5 33 judicial election districts, or by specific case types for the
5 34 purpose of testing and implementing an electronic information
5 35 processing system. Temporary rules prescribed pursuant to
6 1 this section for the purpose of testing an electronic
6 2 information processing system are not subject to the
6 3 requirements of section 602.4202.

6 4 5. An electronic record that complies with the rules
6 5 prescribed under this section shall prevail over any law that
6 6 requires a written record, and an electronic signature that
6 7 complies with the rules prescribed under this section shall
6 8 prevail over any law that requires a written signature. An
6 9 electronic record or signature that complies with rules
6 10 prescribed under this section shall not be denied legal effect
6 11 or enforceability based solely because of the record's or
6 12 signature's electronic form. The determination of an
6 13 electronic record's or signature's legal consequence is
6 14 determined by this chapter, applicable law, and court rules.

6 15 Sec. 6. Section 622.29, Code 2005, is repealed.

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6 20 CHRISTOPHER C. RANTS
6 21 Speaker of the House

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6 24 JEFFREY M. LAMBERTI
6 25 President of the Senate
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6 27 I hereby certify that this bill originated in the House and
6 28 is known as House File 2557, Eighty-first General Assembly.

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6 32 _____
6 33 MARGARET THOMSON
6 34 Chief Clerk of the House

6 35 Approved _____, 2006

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7 3 THOMAS J. VILSACK
7 4 Governor